

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DANILO ARTURO VELASQUEZ,

Plaintiff,

v.

N. CHORLEY, et al.,

Defendants.

Case No. 15-02535 EJD (PR)

**ORDER DIRECTING PLAINTIFF
TO PROVIDE COURT WITH MORE
INFORMATION FOR UNSERVED
DEFENDANT**

Plaintiff, a federal prisoner proceeding pro se, filed a second amended complaint (“SAC”) pursuant to 42 U.S.C. § 1983 against police officers. On May 25, 2016, the Court issued an order of service upon Defendants. (Docket No. 16.) On June 6, 2016, documents sent to Defendant Detective Greg Oglesby were returned with a notation that he no longer worked with the Daly City Police Department. (Docket No. 25.) Accordingly, this Defendant has not been served.

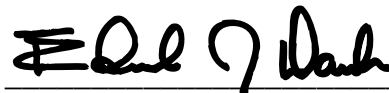
Although a plaintiff who is incarcerated and proceeding in forma pauperis may rely on service by the Marshal, such plaintiff “may not remain silent and do nothing to effectuate such service”; rather, “[a]t a minimum, a plaintiff should request service upon the appropriate defendant and attempt to remedy any apparent defects of which [he] has knowledge.” Rochon v. Dawson, 828 F.2d 1107, 1110 (5th Cir. 1987). Here, Plaintiff has

1 not provided sufficient information to allow the Marshal to locate and serve Defendant
2 Detective Greg Oglesby and therefore Plaintiff must remedy the situation or face dismissal
3 of his claims against this defendant without prejudice. See Walker v. Sumner, 14 F.3d
4 1415, 1421-22 (9th Cir. 1994) (holding prisoner failed to show cause why prison official
5 should not be dismissed under Rule 4(m) where prisoner failed to show he had provided
6 Marshal with sufficient information to effectuate service).

7 Accordingly, Plaintiff must file a notice providing the Court with an accurate and
8 current address for **Defendant Detective Greg Oglesby** such that the Marshal is able to
9 effect service. If Plaintiff fails to provide the Court with the information requested **within**
10 **thirty (30) days** of the date this order is filed, Plaintiff's claims against this Defendant will
11 be dismissed without prejudice pursuant to Rule 4(m) of the Federal Rules of Civil
12 Procedure.

13 **IT IS SO ORDERED.**

14
15 **Dated:** 5/22/16



EDWARD J. DAVILA
United States District Judge